

Serial No.: 10/659,207
Filing Date: September 9, 2003

REMARKS

Sequence Rules Compliance

The application was objected as not being in adherence with 37 C.F.R. §§ 1.821-1.825. This response is accompanied by a Request to Use Computer Readable Form of Sequence Listing From Another Application, and a paper copy of the sequence listing. The information contained in the computer readable form from a previous application is identical to the paper copy in adherence with 37 C.F.R. § 1.821(f). This amendment contains no new matter. Applicants submit that this amendment, the accompanying Request to Use Computer Readable Form of Sequence Listing From Another Application, and the paper copy serve to place this application in a condition of adherence to the rules of 37 C.F.R. §§ 1.821-1.825. Entry of this amendment is respectfully requested.

Claims

Claims 162-174 are pending. Claims 171-174 have been withdrawn. With respect to all elections and withdrawn claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Restriction Requirement

In the Restriction Requirement mailed April 20, 2006, the Examiner required restriction to one of the following Groups:

- Group I: Claims 162-170, as specifically drawn to a compound and pharmaceutical composition thereof, classified in class 514, subclass 2, for example;
- Group II: Claims 171-174 are drawn to a method for treating a patient comprising administering the compound, classified in class 514 subclass 2, for example.

Applicants elect **Group I, claims 162-170**. As acknowledged by the Examiner on Page 2 of the Restriction Requirement, Groups I and II are related as a product and process of use. Applicants make this election with the understanding that upon the finding of a product claim of elected Group I allowable, the withdrawn process claims of Group II that depend from or otherwise include all limitations of such an allowable product claim will be rejoined with the pending claims, in accordance with the provisions of

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M.P.E.P. §821.04. In addition, Applicants reserve the right to pursue the subject matter of the non-elected invention at a later date.

Species Election

The Examiner has required election of a single SEQ ID NO. Applicants elect SEQ ID NO. 209. It is noted that the Examiner originally indicated in the third paragraphs of pages 3 and 4 of the Restriction Requirement that no claim was generic. Applicants disagreed and a phone call was made to the Examiner on August 18, 2006 in which the Examiner agreed that claim 162 was in fact generic. As such, upon allowance of claim 162 Applicants will request consideration of claims to the non-elected species.

CONCLUSION

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,
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